

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING )  
PHARMACY, INC. PRODUCTS LIABILITY )  
LITIGATION )  
\_\_\_\_\_ )

MDL No. 2419  
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO: )

All Cases )  
)

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**Notice of Stipulation of Extension of Time for SSC Defendants to File Sur-Reply in  
Opposition to *PSC’S CROSS MOTION TO EXTEND TIME TO FILE CERTIFICATES  
OF GOOD FAITH* [Doc. 3121]**

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Specialty Surgery Center, PLLC; Kenneth Lister, MD, PC; and Kenneth R. Lister, MD (collectively “SSC Defendants”) hereby give notice to this honorable Court and all parties that, consistent with MDL Order No. 11 [Doc. 1524], the SSC Defendants and the PSC (two of the “Impacted Parties” with regard to these motions) have agreed the SSC Defendants shall have through November 18, 2016, to file a sur-reply to the *PSC’s Cross Motion to Extend Time to File Certificates of Good Faith* [Doc. 3121].

MDL Order No. 11 permits replies and sur-replies for dispositive motions. On November 4, 2016, the PSC filed a reply in support of its motion to extend, with the assent of the SSC Defendants [Doc. 3168]. MDL Order No. 11, however, does not specify a deadline for filing sur-replies. Out of an abundance of caution, the SSC Defendants reached an agreement with the PSC to file a sur-reply by November 18, 2016.

Respectfully submitted,

**GIDEON, COOPER & ESSARY, PLC**

/s/ Chris J. Tardio

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\* Admitted pursuant to MDL Order No. 1.

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**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filing and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 15<sup>th</sup> day of November, 2016.

/s/ Chris J. Tardio

**Chris J. Tardio**